

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Lieutenant Governor Pat Quinn

**Petition to Edward C. Hurley,
Chairman of the Illinois Commerce
Commission and the members of
the Illinois Commerce Commission,
pursuant to Section 5-145(b) of the
Illinois Administrative Procedure
Act.**

:
:
:
:
:
:
:
:
:
:
:

03-0414

PROPOSED ORDER

By the Commission:

On June 25, 2003, Lieutenant Governor Pat Quinn ("Lt. Governor") filed with the Illinois Commerce Commission ("Commission") a petition seeking that the Commission refrain from any rulemaking to implement recent changes brought about in the Public Utilities Act by Public Act 93-5, repeal any rules that were promulgated as a result of the enactment of Public Act 93-5, not contest any efforts by plaintiffs in *Voices for Choices, et al. v. Illinois Bell Telephone*, not take any action to appeal Judge Kocoras' preliminary injunction to the 7th Circuit Court of Appeals, and request the Attorney General's office to comply with the non contestant portions of the petition.

On November 10, 2003, the 7th Circuit Court of Appeals issued a decision on the appeal from the United States District Court for the Northern District of Illinois, Eastern Division (*AT&T Communications of Illinois, et al. v. Illinois Bell Telephone Co., et al.*, 03-2735; 03-2766, -- F.3d. --, 2003 U.S. App. Lexis 22961 at 22 *et seq.*, (consolidated)(7th Cir. 2003)).

The above-cited case renders moot the instant petition filed by the Lt. Governor and the Commission is of the opinion that the petition should be dismissed. A proposed order was served on all parties.

The Commission, having considered the entire record herein, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the subject matter of this petition;
- (2) the recitals of fact set forth in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;
- (3) the petition is moot and should be dismissed.

IT IS THEREFORE ORDERED that the petition filed by Lieutenant Governor Pat Quinn is moot and is hereby dismissed.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

Dated: January 16, 2004

Michael L. Wallace
Administrative Law Judge

Briefs on Exceptions due: February 2, 2004
Replies to Exceptions due: February 8, 2004